

**REMARKS/ARGUMENTS**

As a result of this Amendment, claims 2-14 and 21-31 are under active consideration in the subject patent application.

In the Official Action, the Examiner has:

(1) identified two alleged inventions and stated that claims 1-20, stand subject to a restriction requirement under 35 USC §121 as follows:

Group I - Claims 1-14, drawn to a heat pipe assembly, classified in class 165, subclass 104.26; and

Group II - Claims 15-20, drawn to a method of making a heat pipe assembly, classified in class 29, subclass 890.032.

(2) acknowledged a provisional election of Group I, i.e. claims 1-14, by Applicants' attorney on October 12, 2004, and required affirmation of this election by Applicants;

(3) withdrew claims 15-20 from further consideration by the Examiner as being drawn to a non-elected invention;

(4) required new corrected drawings in compliance with 37 CFR §1.121(d);

(5) rejected claims 1-4, 9-10, and 12-14 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,239,350, issued to Sievers et al.;

(6) rejected claims 1-4, 7, and 9 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,058,711, issued to Maciaszek et al.;

(7) rejected claim 8 under 35 U.S.C. § 103(a) in view of the proposed combination of by U.S. Patent No. 6,058,711, issued to Maciaszek et al., and U.S. Patent No. 6,437,982, issued to Cardenas;

(8) rejected claim 11 under 35 U.S.C. § 102(b) as allegedly being anticipated by, or 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,239,350, issued to Sievers et al.;

(9) objected to claims 5 and 6 as being dependent upon a rejected base claim, and indicated that claims 5 and 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims;and

(10) identified prior art made of record and not relied upon but considered pertinent to Applicant's disclosure.

With regard to Items 1-3, Applicant confirms its election, without prejudice, to prosecute the invention of Group 1, i.e., claims 1-14. Claims 15-20 have been cancelled without prejudice. Applicant expressly reserves the right to prosecute the non-elected subject matter in related applications.

With regard to Item 4, Applicant has also corrected various informalities identified in the drawings by the Examiner in the Official Action. More particularly, the drawings have been upgraded so that the lines and numerals are no longer blurred. No new matter has been introduced into the Application as a result of these changes to the drawings. Reconsideration of the Examiner's

objection to the drawings and introduction of the new corrected drawings into the application are requested.

With regard to Items 5-10, Applicants have amended claims 2-14 and cancelled claim 1. More particularly, claims 5 and 6 have been amended to include the subject matter defined by now cancelled independent claim 1. As acknowledged by the Examiner, claims 5 and 6 were allowable as filed, but required presentation in independent form for issuance of a patent grant and not for reasons of patentability. Amended independent claims 5 and 6 are allowable for all of the reasons set forth by the Examiner in the Official Action. Claims 2-4 and 7-14 are now dependent directly from allowable claim 5, and are allowable at least through dependency. Applicant has added new claims 21-31 so as to define further patentable aspects of the invention. The subject matter defined by new claims 21-31 is substantially similar to the subject matter defined by original claims 2-4 and 7-14. No new matter has been entered as a result of the addition of new claims 21-31. New claims 21-31 are dependent directly from allowable claim 6, and are therefore allowable at least through dependency.

Reconsideration and withdrawal of the Examiner's rejections are requested. The Commissioner is hereby authorized to charge the fees for additional claims, namely, \$ 200.00, or pay any deficiencies, required in connection this matter, to Deposit Account No. 04-1679.

With regard to Item 10, Applicant has considered the prior art references identified by the Examiner as pertinent and determined that none of them, taken

alone, or in any valid combination with the Sievers et al., Maciaszed et al., or Cardenas references anticipates or renders obvious the present invention.

In view of the foregoing, Applicant respectfully submits that claims 2-14 and 21-31 are in condition for allowance. Favorable reconsideration is therefore respectfully requested.

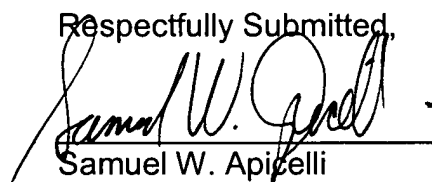
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicant's undersigned Attorney invites the Examiner to telephone him at 717-237-5516.

Date:

1/28/05

Respectfully Submitted,



Samuel W. Apicelli

Registration No. 36,427

Customer No. 08933

DUANE MORRIS LLP

305 North Front Street, P.O. Box  
1003

Harrisburg, PA 17108-1003

(717) 237-5516

**Amendments to the Drawings:**

The attached sheets of drawings includes changes to Figs. 1-4. These sheets replace the original sheets which include Figs. 1-4. In Figures 1-4, the lines and numerals are more distinct and clearer.

Attachment: Replacement Sheets